



DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; that I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention or design entitled *Flameless Pavement Repair System*, the specification of which (check one):

_____ is attached hereto; or

 X was filed on October 29, 2003

and was amended on _____ (if applicable);

that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and that I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Number</u>	<u>Country</u>	<u>Date Filed</u>	<u>Priority Claimed (Yes) (No)</u>
None			

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

<u>Application Serial Number</u>	<u>Date Filed</u>	<u>Status</u>
None		

I hereby claim the benefit under Title 35, United States Code, § 119(e) of United States provisional application number 60/421,953 filed October 29, 2002.

I hereby appoint:

Practitioners at Customer Number **31625**,

all of the firm of Baker Botts L.L.P., my attorneys and/or agents with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities.

Send Correspondence To:
Baker Botts L.L.P.
98 San Jacinto Blvd.
Suite 1500
Austin, Texas 78701

Direct Telephone Calls To:
Brian E. Szymczak
at 512.322.2548
Attorney Docket 074872.0105

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

3

Full name of the Joint Inventor

Todd Hays

Inventor's Signature:

Todd Hays

Date:

10/29/2003

Residence (City, County, State):

Waco, McLennan County, Texas

Citizenship:

United States of America

Post Office Address:

223 Sandy Lane
Waco, Texas 76708

Full name of the Joint Inventor:

Carl D. Plemons

Inventor's Signature:

Date:

Residence (City, County, State):

Waco, McLennan County, Texas

Citizenship:

United States of America

Post Office Address:

225 Londonderry
Apt. 115
Waco, Texas 76712

3

Full name of the Joint Inventor

Todd Hays

Inventor's Signature:

Date:

Residence (City, County, State):

Citizenship:

Post Office Address:

Waco, McLennan County, Texas

United States of America

223 Sandy Lane

Waco, Texas 76708

Full name of the Joint Inventor:

Carl D. Plemons

Inventor's Signature:

Carl D. Plemons

Date:

Residence (City, County, State):

Citizenship:

Post Office Address:

7-13-04

China Spring, McLennan County, Texas

United States of America

672 Eagle Canyon Drive

China Spring, Texas 76633